



## Committee of the Whole Report For the Meeting of October 5, 2017

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**To:** Committee of the Whole **Date:** September 21, 2017  
**From:** Jonathan Tinney, Director of Sustainable Planning and Community Development  
**Subject:** Review of Off-Street Parking Regulations (Schedule C of Zoning Regulation Bylaw 80-159)

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### RECOMMENDATION

That Council direct staff to:

1. Undertake focused public consultation on the draft Off-Street Parking Regulations.
2. Report back to Council with the proposed Off-Street Parking Regulations that considers the public feedback received and a related Bylaw prior to advancing to a Public Hearing.
3. Prepare Design Guidelines related to charging and parking for Electric Vehicles, carry out the necessary stakeholder consultation to inform the guidelines and report back to Council prior to preparing the related Official Community Plan amendment.
4. Report back to Council with a scope of work, anticipated timelines and estimated costs associated with the preparation of Design Guidelines relating to Bicycle Parking.
5. Prepare amendments to the Land Use Procedures Bylaw to delegate Development Permit with Variance Applications for minor parking variances associated with small commercial operations, prepare Design Guidelines to inform the review of such variances, carry out the necessary engagement and report back to Council with an amending Bylaw prior to commencing work on an Official Community Plan amendment.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with draft Off-Street Parking Regulations that would replace Schedule C of the *Zoning Regulation Bylaw* and includes regulations for the Downtown that would be included in the emerging Zoning Bylaw 2017. This report also provides Council with options for focused consultation to inform the public and key stakeholders about the new regulations. The key proposed changes to Schedule C are summarized as follows:

- updated vehicle and bicycle parking stall requirements based on data collection and analysis
- a more user friendly format
- fewer parking stalls required for smaller dwelling units
- fewer parking stalls required for rental and (non-market) affordable dwelling units
- front yard parking allowed for single family dwellings and duplexes

- new parking stall requirements based on geographic area
- new regulations for the design and functionality of bicycle parking
- a more user friendly format.

## **PURPOSE**

The purpose of this report is to provide Council with information, analysis and recommendations for the draft Off-Street Parking Regulations (Attachments A & B), and options for consulting and receiving feedback on the regulations from the general public as well as key stakeholders, such as land owners, community and neighbourhood associations and the development industry prior to a Public Hearing.

## **BACKGROUND**

Off-street parking within the City is regulated through Schedule C of the *Zoning Regulation Bylaw* which has been in place since 1981 and regulates the required minimum parking stall supply for vehicles and bicycles for various types of uses.

It is important to note that this project does not include a review of the provision or management of public parking such as on-street parking, parkades or surface parking lots. The draft off-street parking regulations establish appropriate parking requirements for development on private property only.

The objective of the review of the Off-Street Parking Regulations was to produce an updated set of parking requirements that reflect current trends and best practices as well as to align and support the related policies and objectives in the *Official Community Plan (OCP)*. A key component of this project was the review and update of minimum parking requirements for private property which has been completed through data collection (ICBC vehicle ownership and on-site parking demand counts), research, and analysis related to parking demand and best practices. Other project objectives included:

- reducing the frequency of parking variance applications thereby streamlining the overall development application review process
- supporting development and investment with updated regulations and design standards for vehicle and bicycle parking that are better aligned with current practices and trends
- supporting affordable housing and healthier communities
- establishing a user-friendly format.

## **Accessibility Impact Statement**

Barrier free parking is currently regulated through the BC Building Code (where it is referred to as “parking for persons with disabilities”) and is discussed later in this report.

The staff recommendation includes language to direct staff to create Design Guidelines relating to Electric Vehicles (EVs) and it is intended that the scope of this work would also address opportunities for accommodating parking and charging of mobility scooters.

## ISSUES & ANALYSIS

This section of the report outlines the key findings and recommendations resulting from the review of the City's Off-Street Parking Requirements, including an analysis of specific parking issues that were considered (for example, parking and charging requirements for EVs) and recommendations relating to those issues.

### Off-Street Parking Review and Key Findings

A comprehensive review of Schedule C has not been undertaken since 1981. As a result, the current Off-Street Parking Requirements are considered out-of-date, particularly with respect to multiple dwellings, and this is reflected in the parking studies the City receives to justify parking variances, which regularly demonstrate that the City's parking requirements are no longer consistent with actual parking demand or evolving trends. As such, one of the key objectives of the off-street parking review was to revise the minimum parking supply rate so that it is consistent with actual parking demand. In order to better understand parking demand in the city, Watt Consulting Group were retained to carry out the following data collection and analysis:

- review of vehicle ownership in multiple dwellings to determine how demand differed between condominiums, rental units and affordable rental unit
- parking demand observation surveys for commercial uses
- travel survey for commercial uses
- review relevant, current research of parking demand including a review of best practices in other similar municipalities.

The aforementioned data and analysis concluded the following:

- average vehicle ownership rates are significantly higher in condominiums compared to dwelling units that are rented
- average vehicle ownership rates in the Downtown Core are significantly lower than the remainder of the City
- parking demand per dwelling unit increases relative to the size of the unit (i.e. the parking demand for a two-bedroom dwelling unit is greater than the parking demand associated with a one-bedroom unit)
- average vehicle ownership is significantly lower for (non-market) affordable housing developments.

In addition to the above, the analysis also identified new parking supply rates for commercial, institutional and industrial uses.

As a result of the data collected, the draft Off-Street Parking Regulations propose the following key changes:

- for multiple-dwellings the parking supply rates are lower for smaller units
- for multiple-dwellings the parking supply rates are lower for rental units compared to strata units
- for multiple-dwellings the parking supply rates are lower for affordable rental units compared to rental units
- no minimum parking requirement within Old Town area
- off-street parking is not required in the Central Business District, except for multiple-dwellings and hotels

- for the remainder of the City, parking supply rates differ depending on Geographic location, with the lowest rates in the Core Areas (as defined in the OCP), followed by the Large Urban Villages/Town Centres and then the remaining areas.

It should be noted that the data collected did not clearly demonstrate a lower parking demand in the Large Urban Villages/Town Centres when compared to the remaining areas, however, staff have recommended a modest parking relaxation to support OCP policy relating to economic growth, increased residential density and development that supports improved public transit in Large Urban Villages and Town Centres. It should also be noted that the parking supply requirements outlined in the regulations set minimum standards only. If a business or property owner determines that additional parking supply is required to support a development or specific use they may choose to provide additional on-site parking.

In addition to the vehicle parking requirements, revisions to the bicycle parking requirements are also proposed. The current regulations largely speak to the number of bicycle parking stalls required. While staff have proposed updated stall requirements to better reflect demand, additional regulations are proposed to improve the location and functionality of bicycle parking facilities. This includes, for example, requiring that long-term bicycle parking be located within one floor of grade and prescribing minimum dimensions for bicycles racks and associated manoeuvring aisles.

Other key changes to the Off-Street Parking Regulations are:

- allowing required parking only to be located within the front yard of a single family dwelling or duplex (i.e. a single parking stall will be allowed in the front yard of a single family dwelling, two parking stalls will be allowed in the front yard of a duplex and additional vehicular parking will not be permitted). This will potentially reduce barriers to providing for secondary suites in single family dwellings.
- addressing inconsistencies between the *Highways Access Bylaw* and *Zoning Regulation Bylaw* with respect to maximum grade requirements for driveways
- updated landscaping requirements
- a more user-friendly format, including the use of simple tables and example illustrations.

In addition, it will be necessary to amend Schedule A of the *Zoning Regulation Bylaw* in order to include some of the new definitions. Staff would bring forward such Bylaw amendments for Councils consideration concurrent with the final draft of the proposed Bylaw amendments.

### **Other Issues Considered**

As part of the review of the Off-Street Parking Regulations a number of issues were considered but ultimately not included in the draft regulations. Those issues and the reason for not including them are outlined below.

#### Lower Parking Supply Rates where Car-Share is provided

Staff considered whether or not it would be feasible to reduce parking supply rate requirements where an applicant is willing to provide car share opportunities for residents. However, a car share cannot be guaranteed in perpetuity, meaning that if the City grant a variance based on the provision of car share and, for whatever reason, the car share amenity ceases to operate at that location, the City will have no recourse to address the resulting shortfall in on-site parking. For this reason this option was not pursued for inclusion in the new regulations. In order to provide a justification for a parking variance, an applicant may still propose car share as a Transportation Demand Management (TDM) measure to off-set any parking demand not being addressed through on-site

parking, and the proposal would be evaluated on a case by case basis; however, the same short comings in terms of ongoing obligation would likely exist.

### Cash-In-Lieu of On-Site Parking

The *Local Government Act* (LGA) permits municipalities to establish regulations that allow an applicant to pay cash-in-lieu of required parking stalls. The LGA requires that all monies received must be placed in a reserve fund for the purposes of providing either i) new off-street parking stalls (i.e. parkades), ii) improvements to existing public parking infrastructure or iii) transportation infrastructure that supports walking, bicycle, public transit or other alternative forms of transportation. The municipality is then required to report annually on how much money was credited to the reserve fund, the expenditures, the balance at the start and end of the year and the projected timelines for future projects to be funded from the reserve funds.

Staff have reviewed the suitability of establishing such a cash-in-lieu option for the City of Victoria and have concluded the following:

- before establishing regulations relating to cash-in-lieu for off-street parking, the City should first create a policy to outline objectives for reserve fund spending, including priorities for investing the monies collected
- the cash-in-lieu rate (which is typically expressed as dollars per parking stall) would then need to be set at an appropriate level in order to meet the policy objectives
- it is advisable that the degree of a parking variances permitted under a cash-in-lieu policy be balanced to ensure that sufficient funds would be acquired to provide infrastructure improvements that offset the parking demand that is no longer being met through on-site parking
- the cash-in-lieu rate would need to be calibrated and tested to ensure it is appropriate and does not simply become a way to “buy” a variance. Conversely, the rate should not be set so high that it proves a barrier to establishing an effective policy
- another challenge relating to setting a cash-in-lieu rate relates to changing market conditions and constructions costs (i.e. if construction costs increase, then it may be necessary to amend the rate)
- the policy and/or regulations would need to address such issues as to whether cash-in-lieu of off-street parking would be applied city-wide, geographically or to certain uses only
- monies collected could take many years to accumulate to provide sufficient capital to develop infrastructure such as a parkade
- the City’s Sustainable Transportation Strategy will inform the demand for public parking and, until this work is complete, it would be premature to proceed with a cash-in-lieu policy.

While cash-in-lieu of off-street parking is supported in the OCP, the above identifies some of the work, challenges and administration associated with establishing and managing such a regime and for these reasons staff are not recommending that Council pursue a cash-in-lieu option at this time.

### Barrier Free Parking

Barrier free parking is currently regulated through the BC Building Code (where it is referred to as “parking for persons with disabilities”). However, in the case of such parking, the City’s *Zoning Regulation Bylaw* can set out more stringent requirements than the Code requirements. Staff considered including regulations relating to barrier free parking in the *Zoning Regulation Bylaw*. Correspondence with members of the City’s Accessibility Working Group suggested that the current requirement, outlined in the BC Building Code, is not providing enough barrier free parking stalls. It was suggested that the City consider increasing the supply to help those with mobility constraints.

Staff also heard some opposition to this approach from the development industry. The concerns primarily related to the fact that, as this is regulated through the BC Building Code, the inclusion of potentially contradictory regulations in the *Zoning Regulation Bylaw* could result in considerable confusion for applicants. Issues with the allocation of such barrier free stalls in strata developments were also raised.

Due to aforementioned concerns, staff recommend further consultation with the development industry to determine whether these issues can be satisfactorily resolved and to what degree additional barrier free parking stalls can be provided. Any resolution would be presented to the Accessibility Working Group for their review and feedback. Staff findings and any feedback received would be brought back to Council in an update report prior to a Public Hearing date being set.

#### Lower Parking Requirements Subject to Proximity to Transit

Staff considered lower parking supply rates for uses located in close proximity to frequent transit service corridors, however, data collected in the City did not support the hypothesis that proximity to transit opportunities results in a reduced parking demand. It was also established that the City of Victoria does not yet have any transit corridors that meet the threshold for a frequent service corridor.

#### **Monitoring of Off-Street Parking Regulations**

Although the above items have not been included in the draft Off-Street Parking Regulations, staff recommend that the regulations are reviewed on a regular basis (i.e. every 5 years) to ensure that they address emerging trends and changing parking demands. For example, increased residential density along key corridors may result in improvements to public transit service which may in turn see transit ridership increase and vehicle ownership decrease. If such a trend is observed, it would be beneficial to make further amendments to the Bylaw.

#### **Electric Vehicles**

Through stakeholder engagement staff have heard that there is a desire for the City to address the needs of electric vehicles through policy and regulations. Specifically, the parking and charging needs of electric cars, bicycles and mobility scooters were identified. Furthermore, in order for the City to reach its 100% renewable energy target, rapid adoption of EV's is required across the community. As over 80% of EV users charge their vehicles at home, support for EV charging in multi-unit residential buildings is envisaged to be an essential component of the forthcoming Victoria Climate Leadership Plan. However, the development industry has indicated that this emerging and developing demand be addressed by the market and not through regulations. Staff have given this matter consideration and recommend that Council consider directing staff to prepare Design Guidelines to address parking standards for electric vehicles and amend the OCP in order that these Guidelines apply in all Development Permit Areas. The benefits of this approach are as follows:

- The Design Guidelines would apply to all Development Permit Applications which would capture all new multi-unit residential development
- An applicant would be required to consider and demonstrate compliance with the Design Guidelines or, provide a rationale for any inconsistency with the Guidelines, as part of a Development Permit Application
- Using Design Guidelines, rather than Bylaw regulations, allows for more flexibility in the decision making process as an applicant would require a variance if they were unable to

meet the requirements of the *Zoning Regulation Bylaw* which is a much more onerous process

- It would be challenging to prepare a regulation that addresses emerging trends in technology.

Staff would carry out the necessary public engagement with industry experts and key stakeholders to inform any Design Guidelines. An OCP amendment would also be required and, therefore, a Public Hearing would be required.

In light of the above, staff recommend that Council consider directing staff to prepare Design Guidelines relating to charging and parking for EVs, carry out the necessary stakeholder engagement to inform the guidelines and report back to Council prior to commencing work on an OCP amendment. The staff recommendation includes language to advance this direction.

### **Bicycle Parking Design Guidelines**

The current Off-Street Parking Regulations identify the number of short-term and long-term parking stalls required in respect of a specific use or building, however, they do not address the location of, or functionality of bicycle parking. In other words, to meet the requirements of the *Zoning Regulation Bylaw* an applicant generally has to demonstrate that they are providing the requisite number of parking spaces, but where or how they're provided is not regulated.

As outlined earlier in this report, the draft regulations propose a number of new regulations relating to bicycle rack specifications and location. However, to provide further direction, Bicycle Parking Design Guidelines could be prepared that provide advice and options for developers to ensure that parking areas are designed to a high standard, are functional, accessible, secure and encourage active transportation. Prior to commencing work on such Guidelines, staff first recommend that Council consider directing staff to report back with a scope of work, anticipated timelines and estimated costs associated with this project. Again, the staff recommendation provides language to this effect.

### **Minor Parking Variances for Commercial Uses**

If a change of use occurs within a commercial unit and a more stringent parking requirement applies to the new use, then either a Development Permit with a Variance or a Development Variance Permit is required if there is not a surplus of parking unaccounted for on-site. Both Application types typically take 3-4 months to process (from submission to approval) and, in accordance with the City's *Land Use Procedure's Bylaw* must be referred to a Council meeting for an opportunity for public comment.

City staff have received feedback from small business owners indicating that the requirement to provide off-street parking can potentially be a barrier to opening a business in Victoria. This is primarily due to the timeline and lack of certainty associated with the required permitting process. The proposed off-street parking requirements may reduce the occurrence of such variances as minimum parking supply requirements in the Downtown, Core Area, Large Urban Villages and Town Centres are generally reduced, however, parking variances may still be triggered by a change of use. Possible options that could be considered to address this issue are:

- Reduction in parking requirements for small commercial units: Staff do not recommend that Council consider this option as, depending on the use and success of the business, small businesses can still generate a relatively large parking demand (e.g. restaurants).
- Delegation of certain Applications proposing minor parking variances: The delegation of

minor parking variances, potentially limited to smaller commercial units, could address this issue in some cases. The delegation of such Applications could reduce the estimated Application approval process from 3-4 months to 2-3 weeks. However, under the LGA, Council cannot delegate the approval of Development Variance Permits. To address this, staff recommend that Council consider adding Design Guidelines to Development Permit Areas that outline appropriate considerations for the review of parking variances. The adoption of such guidelines would allow such variances to be handled as Development Permit with Variance Applications which can be delegated to staff as allowed under the LGA. The creation of Council approved Guidelines would also assist staff in reviewing a Delegated Development Permit. The staff recommendation provides language to advance this option, should Council wish to consider delegating Development Permit Applications with minor parking variances to staff.

## ENGAGEMENT

To date City staff have carried out the following engagement with the public and key stakeholders:

Website: A webpage was created providing details of the project and outlining opportunities to provide feedback.

Technical Advisory Group: four meetings with key stakeholders comprising representatives from:

- City of Victoria
- Watt Consulting Group
- Buildings Owners and Managers Association of British Columbia
- Victoria Residential Builders Association
- Greater Victoria Housing Society
- Urban Development Institute
- Greater Victoria Chamber of Commerce
- Downtown Victoria Business Association
- Vancouver Island Strata Owners Association

Focused Stakeholder meetings and conversations:

- Capital Regional District
- Townline
- M'akola Development Services
- Pacifica Housing Advisory Association
- Urban Development Institute
- Vancouver Island Strata Owners Association
- Town of Sidney
- Town of View Royal
- District of Saanich
- City of Langford
- Fort Properties Ltd
- Landlord BC
- Proline Management Ltd.
- MODO
- BC Transit
- Victoria EV Club
- Rock Bay Landing
- Our Place



CALUC information session: January 16, 2017

Public Open House: December 7, 2016

Presentation to Active Transportation Committee: April 25, 2017

Accessibility Working Group: Correspondence with members of the City's Accessibility Working Group

A more detailed summary of the public engagement undertaken to date and the feedback received is included in Attachment B.

The draft regulations presented in this report are based on the culmination of research, clarification, analysis and have benefitted from feedback obtained through the engagement. Staff recommend additional consultation prior to a Public Hearing so those affected can understand how the new regulations work and how they may be affected. Staff propose focused consultation through October and November 2017 primarily directed at the business community and the development industry. Staff also propose to mail a letter to all CALUCs to provide awareness of the draft Off-Street Parking Regulations and the various opportunities to receive further information and provide feedback. Staff will also use social media and online tools to share information and provide opportunities for feedback. Staff will review the feedback received, make any necessary revisions and will aim to bring forward the final bylaw by January 2018 for consideration at a Public Hearing.

## **OPTIONS & IMPACTS**

### **Option 1 (Recommended):**

That Council direct staff to:

1. Undertake focused public consultation on the draft Off-Street Parking Regulations.
2. Report back to Council with the proposed Off-Street Parking Regulations that considers the public feedback received and a related Bylaw prior to advancing to a Public Hearing.
3. Prepare Design Guidelines related to charging and parking for Electric Vehicles, carry out the necessary stakeholder consultation to inform the guidelines and report back to Council prior to preparing the related Official Community Plan amendment.
4. Report back to Council with a scope of work, anticipated timelines and estimated costs associated with the preparation of Design Guidelines relating to Bicycle Parking.
5. Prepare amendments to the Land Use Procedures Bylaw to delegate Development Permit with Variance Applications for minor parking variances associated with small commercial operations, prepare Design Guidelines to inform the review of such variances, carry out the necessary engagement and report back to Council with an amending Bylaw prior to commencing work on an Official Community Plan amendment.

### **Option 2**

Direct staff to further refine the proposed off-street parking regulations before initiating a consultation process

### Option 3

Council determine not to direct staff to undertake one or more of the focused work objectives listed in Option 1

#### *2015 – 2018 Strategic Plan*

This project directly supports Objective 3: Strive for Excellence in Planning and Land Use, as the draft Off-Street Parking Regulations are anticipated to contribute to streamlining Application processes by reducing the need for parking variances. This project also supports Objective 5: Create Prosperity through Economic Development, as the new regulations generally reduce off-street parking supply requirements, reducing development costs and serving to facilitate increased investment and development within the City.

#### *Impacts to Financial Plan*

There are no impacts to the Financial Plan required to develop and implement the new Off-Street Parking Regulations.

Should Council direct staff to prepare Design Guidelines for EV Charging and Bicycle Parking then staff resources need to be allocated to these projects. It is considered that the work associated with EV charging would fall under the general scope of work anticipated within the City's Climate Action Program, which includes a budget for assessment work associated with EV Charging in 2018. However, the preparation of Design Guidelines for Bicycle Parking would be a new project not included in current work plans for 2017 or 2018. Therefore, staff recommend that Council direct staff to report back with a scope of work, anticipated timelines and estimated costs associated with the preparation of these Guidelines prior to progressing further.

#### *Official Community Plan*

The recommended approach is in direct support of policy 7.12 of the OCP which calls for the review and update of the *Zoning Regulation Bylaw* to consider reductions in parking requirements where the circumstances (i.e. geographic location, walkability and other factors) justify a lower parking demand.

### **CONCLUSIONS**

The City's Off-Street Parking Regulations have not been subject to a comprehensive review since 1981. The proposed draft regulations represent an updated set of parking requirements that reflect current trends and best practices as well as alignment with policies and objectives outlined in the OCP. Staff recommend that Council consider directing staff to undertake focused public consultation on the draft Off-Street Parking Regulations and report back to Council with the final draft regulations, that consider the public feedback received, prior to a Public Hearing.

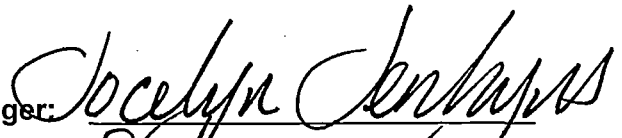
Staff recommend that Council consider addressing the issues of bicycle parking design and charging and parking opportunities for EVs through the preparation of new Design Guidelines. Staff also recommend that Council consider directing staff to further investigate opportunities to reduce barriers to small businesses resulting from parking requirements and report back to Council with further analysis and recommendations.

Respectfully submitted,

  
Jim Handy  
Senior Planner – Development Agreements  
Development Services

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

  
Date: Sept. 29, 2017

**List of Attachments**

- Attachment A - Draft Off-Street Parking Regulations (Schedule C)
- Attachment B – Draft Off-Street Parking Regulations (Zoning Bylaw 2017)
- Attachment C - Public Engagement